

REMARKS

This "Amendment Accompanying RCE under 37 C.F.R. § 1.114" is being submitted in Response to the Office action dated November 26, 2004. Claims 19-25 are pending in the application (claims 1-18 having been cancelled in a previous Response). Claim 19 has been amended to clarify the invention that is claimed and is not intended to narrow the scope of the invention. Support for the amendment to claim 19 can be found in the specification at, for example, page 7, lines 3-6; and FIGs. 1-2, 5, and 7.) Claims 20-25 have been amended to clarify the invention that is claimed, as well as to correct antecedence issues. Accordingly, no new matter has been added by any of the amendments to the claims.

Additionally, applicants have amended the specification to correct an obvious typographical error. Specifically, applicants have amended the "Cross-Reference to Related Application" section to change the filing date of U.S. patent application serial no. 09/993,309 from "November 6, 2001" to --November 16, 2001--. Accordingly, no new matter has been added by the amendments to the specification.

In the November 26 Office action, claims 19-25 were finally rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Shiffler et al., U.S. Patent No. 6,564,942 ("Shiffler et al."). Applicants respectfully traverse the rejections of the claims. Reconsideration in light of the remarks presented below is respectfully requested.

Independent claim 19 recites a method of assembling a wound film dispenser that includes, in part, folding a first flap against each of the false walls, each of the false walls including a wedge shaped brace that is angled toward one of the first and second ends of the tube.

Shiffler et al. fails to disclose each and every element of claim 19. For example, Shiffler et al. does not disclose "a wedge shaped brace that is angled toward one of the first and second ends of the tube," as recited by independent claim 19. Instead, Shiffler et al. discloses struts (102, 104) that are folded toward an interior of the dispenser, specifically an interior wall (98) of the suspension flap (72) to form the end walls (40, 42). (Shiffler et al., col. 4, ll. 37-60; and FIGs. 2 and 4.) The same was admitted in the Office action dated April 23, 2004, in related application serial

no. 09/993,309¹, which stated that "Shiffler's side flap brace [104] is folded toward the interior, rather than toward the end wall." (April 23 Office action of '309 application, p. 2.)

Accordingly, applicants respectfully submit that Shiffler does not disclose, "a wedge shaped brace that is angled toward one of the first and second ends of the tube," as recited by independent claim 19. Because Shiffler et al. fails to disclose each and every element recited by independent claim 19, it follows that independent claim 19 is not anticipated by Shiffler et al. Accordingly, the anticipation rejection of independent claim 19 and dependent claims 20-25 should be withdrawn.

Moreover, as argued previously, but not acknowledged by the Examiner, Shiffler is not properly citable as obviating art due to the provisions of 35 U.S.C. § 103(c). Accordingly, claims 19-25 are in condition for allowance, and applicants respectfully solicit the same.

In view of the foregoing, applicants respectfully request reconsideration and withdrawal of the rejection of the claims at issue, and allowance thereof. The examiner is encouraged to contact the applicants' undersigned attorney with any questions regarding this response or the application as a whole. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Respectfully submitted for,
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¹ The present application is a divisional application of U.S. patent application serial no. 09/993,309.